

In the United States Court of Federal Claims
OFFICE OF SPECIAL MASTERS

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FREDERICK INSCHO and SHERRI

INSCHO, legal representatives of a minor
child, GABRIELLE INSCHO,

Petitioners,

v.

SECRETARY OF HEALTH
AND HUMAN SERVICES,

Respondent.

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No. 11-599V

Special Master Christian J. Moran

Filed: July 27, 2015

Attorneys' fees and costs; award in
the amount to which respondent
does not object.

Stephen P. O'Keefe, The O'Keefe Firm, Dayton, OH, for Petitioners;
Heather L. Pearlman, United States Dep't of Justice, Washington, DC, for
Respondent.

UNPUBLISHED DECISION ON FEES AND COSTS¹

On July 21, 2015, respondent filed a stipulation of fact concerning final attorneys' fees and costs in the above-captioned matter. Previously, petitioners informally submitted a draft application for attorneys' fees and costs to respondent for review. Upon review of petitioners' application, respondent raised objections to certain items. Based on subsequent discussions, petitioners amended their application to request \$63,000.00, an amount to which respondent does not object. The Court awards this amount.

¹ The E-Government Act of 2002, Pub. L. No. 107-347, 116 Stat. 2899, 2913 (Dec. 17, 2002), requires that the Court post this ruling on its website. Pursuant to Vaccine Rule 18(b), the parties have 14 days to file a motion proposing redaction of medical information or other information described in 42 U.S.C. § 300aa-12(d)(4). Any redactions ordered by the special master will appear in the document posted on the website.

On September 19, 2011, Frederick and Sherri Inscho filed a petition for compensation on behalf of their daughter, Gabrielle Inscho, alleging that the flu mist vaccine, which Gabrielle received on or about September 22, 2008, caused her to develop transverse myelitis. Petitioners received compensation based upon the parties' stipulation. Decision, issued June 5, 2015. Because petitioners received compensation, they are entitled to an award of attorneys' fees and costs. 42 U.S.C. § 300aa-15(e).

Petitioners seeks a total of **\$63,000.00** in attorneys' fees and costs. In compliance with General Order No. 9, petitioners state that they have incurred no out-of-pocket litigation expenses while pursuing this claim. Respondent has no objection to the amount requested for attorneys' fees and costs.

After reviewing the request, the Court awards the following:

A lump sum of \$63,000.00 in the form of a check made payable to petitioners and petitioners' attorney, Stephen P. O'Keefe, of The O'Keefe Firm, for attorneys' fees and other litigation costs available under 42 U.S.C. § 300aa-15(e).

The Court thanks the parties for their cooperative efforts in resolving this matter. The Clerk shall enter judgment accordingly.

Any questions may be directed to my law clerk, Mary Holmes, at (202) 357-6360.

IT IS SO ORDERED.

s/Christian J. Moran
Christian J. Moran
Special Master